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REMARKS

Claims 1 to 15 and 17 to 24 are pending in the application. Claim 16 has been cancelled. Claims 25 to 29 have been withdrawn.

In response to the Office Action of September 5, 2006, Applicant elects without traverse the claims of group I drawn to a method for determining a predisposition (e.g. claims 1 to 24).

The Examiner has further requested a sequence selection requirement. Applicant elects without traverse the UGT1A9 gene.

The Examiner has also requested a further mutation selection requirement. Applicant elects with traverse the T²⁷⁵A substitution. As mentioned by the Examiner, according to PCT Rule 13.2, the requirement of unity of invention is fulfilled when there is a "technical relationship" among the inventions. According to PCT Rule 13.2, "special technical features" shall mean those technical features that define a contribution over the prior art. Applicant submits that the polymorphic or haplotypic variation in the UGT1A9 promoter or the gene will modify either the expression level or the activity of the UGT1A9 protein and that consequently, they will modify the predisposition of an individual. Therefore, the polymorphic or haplotypic variation in the UGT1A9 gene are linked by a single inventive concept. Reconsideration of the Examiner's rejection is respectfully requested.

More specifically, Applicant also submits that the polymorphic or haplotypic variations in the UGT1A9 promoter or the gene will modify either the expression level or the activity of the UGT1A9 protein and that consequently, they will modify the

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predisposition of an individual to toxicity to MPA or irinotecan and variable response to MPA or irinotecan. In addition, the haplotype concept is very important. As an example, the data presented in this application clearly demonstrated that the UGT1A9 T⁻²⁷⁵ variation is almost in complete linkage with an other variation within the UGT1A9 gene at position -2152, thereby demonstrating an haplotype block within the UGT1A9 gene and the value of considering both variations together and describing the haplotype structure.

Applicant further submits that all the alternatives of a Markush group for the UGT1A9 gene have a common activity: they modify the predisposition of an individual.

Applicant also submits that searching for the polymorphic or haplotypic variations of the single gene UGT1A9 would not be an undue burden for the Examiner.

Applicant reserves its rights to file divisional patent application on the non-elected subject matter.

Claim 5 has been amended to read "a response to therapy". This amendment is supported by the application as filed. The application describes variations in response to several therapy, such as chemotherapy.

Claim 14 has been amended to read "hematological cancer". This amendment is supported by the application as filed. The application describes adverse reactions to MPA which is mainly used for the treatment of hematological cancers.

For purposes of clarity, the following claim amendments have been introduced:

- claim 1 has been amended;
- claims 3, 5, 7 and 14 have been amended to the Markush format;

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- "or" has been added in claim 10;
- claims 13 and 14 now refer to "cancer";
- a definite article has been added before the term "determining" and the expression "of said individual" has been added in claim 15;
- claims 21 and 23 now refer to a further step; and
- claims 17, 22 and 24 now refer to "said polymorphic or haplotypic variation".

It is submitted, therefore, that the claims are in condition for allowance. Reconsideration of the Examiner's rejections is respectfully requested. Allowance of claims 1 to 15 and 17 to 24 at an early date is solicited.

In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

A 1-month extension fee of 120.00\$ is believed to be necessitated by this amendment. However, should this be an error, authorization is hereby given to charge Deposit Account No. 19-5113 for any underpayment or to credit any overpayment.

Date: November 3, 2006

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this response and amendment is being facsimile
transmitted to the
Patent and Trademark Office fax number (571) 273-8300 on the date
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Marie-Hélène Rochon, REG. NO. 57,566
Name of person signing certification

Marie-Hélène Rochon
Signature

November 3, 2006
Date